

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 197 OF 2005

Kulbir Singh Ghai & Anr ...Petitioners

Versus

Nasruddin K. Magmia & Anr ...Respondents

Mr. S.V. Marwadi, Advocate for Petitioners

Ms. S. V. Gajare, A.P.P. for State.

CORAM: SMT. V.K. TAHILRAMANI, J.

DATED: 8TH JUNE, 2005

P. C. :-

1. Heard the learned advocate for the petitioners.
None for respondent No.1.
2. The petitioners have prayed for quashing of proceedings in Complaint No.234/SS/2004 which is pending in the Court of learned Metropolitan Magistrate, 44th Court, Andheri, Mumbai. In the said case, process has been issued against the petitioners under Section 500 of I.P.C. If the process issued against the petitioners is set aside, the proceedings in respect of the petitioners would come to an end. The learned advocate for the petitioners submitted that the learned Magistrate committed an error in issuing process and the said process deserves to be set aside.

3. For the reasons recorded in my order dated 8th June, 2005 passed in Criminal Application No.645 of 2005, the petitioners have an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the petitioners prefer revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the petitioner to prefer revision before the concerned Sessions Court. All contentions of both sides are left open. It is stated that the petitioner No.1 is 70 years of age and he is residing at Indore in Madhya Pradesh, hence, the learned advocate for the petitioners has prayed for extension to the stay already granted by this Court by six weeks so as to enable them to prefer necessary revision. Looking to the facts and circumstances of this case, the said request appears to be reasonable and hence, interim stay granted by this Court, is extended for a period of six weeks from today.

5. On the necessary revision being preferred by the petitioner before the concerned Sessions Court, the concerned Sessions Court shall dispose of the same on merits after hearing the necessary parties. Liberty

to approach this court in case any necessity arises.

6. Office to issue authenticated copy of this order to the parties.

7. Criminal Writ Petition is disposed of.
